

REMARKS

Upon entry of these amendments, claims 12, 14-16, 28-32 and 39 will be pending. The amendments are supported at least in the specification on page 4, last paragraph, through page 5, line 5, and in the Examples. No new matter has been added. Claims 17-27 and 33-38 have been canceled without prejudice as being directed to non-elected subject matter. Applicant respectfully requests entry of these amendments, which place the claims in better form for allowance. Applicant also expressly reserves the right to pursue the canceled claims in a continuing application.

Rejections under 35 U.S.C. § 112, second paragraph

Applicant gratefully acknowledges the Office's withdrawal of previous claim rejections under 35 U.S.C. § 112, second paragraph, as outlined in section C and D, and addresses the present rejections.

Claim 12, 14, 16, 30 and 32 are rejected as allegedly being indefinite for reciting "modulating" agents. Claims 12, 14 and 15 are also rejected as allegedly being unclear for reciting "cellular activity being assayed for." To expedite prosecution, the claims have been amended to cancel the objected terms, rendering these rejections moot.

Claims 12, 14-16 and 28-33 are also rejected as allegedly being incomplete for omitting essential elements. As amended, the claims define steps for identifying agents that inhibit T lymphocyte development. In particular, agents that inhibit the cellular level or kinase activity of IP3KB are tested for their ability to inhibit T lymphocyte development at the double positive stage; thereby identifying an agent that inhibits the production of mature T lymphocyte.

Furthermore, claims 30-32 are rejected as allegedly being indefinite and unclear. Claim 12 has been amended for clarity. As described in the specification, agents may be assayed for activity to modulate cellular levels of the IP3K polypeptide, e.g., by transcription or translation. (See Specification at page 19, line 3 through page 20, line 2). Test agents may also be screened for ability to inhibit IP3K activity in catalyzing IP3 conversion to IP4.

Based on the above, Applicant submits that the amended claims are clear and definite, and respectfully requests that these rejections be withdrawn.

Rejections under 35 U.S.C. § 102

Applicant gratefully acknowledges the Office's withdrawal of the previous claim rejections under 35 U.S.C. § 102 under Chang *et al.*, and addresses the remaining rejections.

Claims 12, 14-15, 28-29 and 33 are rejected as allegedly being anticipated by da Silva *et al.*, as evidenced by Wen *et al.*, 2004. As amended, the claims relate to methods for identifying agents that inhibit T cell lymphocyte development, where test agents that inhibit the cellular level or kinase activity of IP3KB are tested for their ability to inhibit T lymphocyte development at the double positive stage. Because the da Silva reference does not teach methods for identifying agents that inhibit T cell lymphocyte development at the double positive stage, claims 12, 14-15, 28-29 and 33 are not anticipated. Applicant therefore respectfully requests that this rejection be withdrawn.

Rejections under 35 U.S.C. § 112, first paragraph

Applicant gratefully acknowledges the Office's withdrawal of previous claim rejections under 35 U.S.C. § 112, first paragraph, and addresses the remaining rejections.

Claims 12, 14-16 and 28-33 are rejected as allegedly failing to comply with the written description requirement. In particular, the Office alleges that there is insufficient written description for the phrase "functional derivatives having 90% sequence identity" with IP3KB or sequences "90% identical" with IP3KB. To expedite prosecution, the objected terms have been deleted, rendering this rejection moot.

Claims 12, 14-16 and 28-33 are also rejected for allegedly containing new matter for methods for identifying an agent that inhibits T lymphocyte differentiation. As amended, the claims relate to methods for identifying agents that inhibit T cell lymphocyte development at the double positive stage. The amendment is supported in Examples 2 and 4. (See e.g., Specification at page 27, ¶ 2; and at page 29, Example 4), and does not include new matter.

Based on the above, claims 12, 14-16 and 28-33 are in compliance with 35 U.S.C. § 112, first paragraph. Thus, Applicant respectfully requests that these rejections be withdrawn.

New claim 39

New claim 39 depends upon claim 12, and contains all the limitations of claim 12. As previously indicated, amended claim 12 is novel. Accordingly, claim 39 is novel.

Statement of the Substance of the Interview

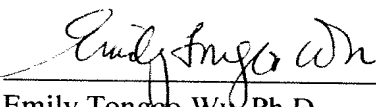
A telephonic interview was conducted in this application on May 17, 2007. An Interview Summary was provided by the Examiner and mailed along with the present Office Action dated June 21, 2007. Please enter into the record that Applicant agrees with the Interview Summary provided by the Examiner.

Conclusion

In summary, the claims have been amended to obviate the rejections, and Applicant requests that claims 12, 14-16, 28-32 and 39 be passed to issue. If a telephone conference would expedite prosecution of this application, please telephone the undersigned attorney at (858) 812-1539.

If the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 50-1885 referencing docket No. P1097US10.

Respectfully submitted,


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